

SBCivil Writ Petition No.4759/2006

Satish Kumar Nagpal
Vs.
State of Rajasthan & Ors.

Date of Order :: 29th August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.K.Sharma, for the petitioner.

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By this petition for writ a direction is sought by the petitioner not to proceed against him in pursuant to the memorandum dated 5.4.2005 issued by the disciplinary authority under Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958. The petitioner under the memorandum aforesaid is charged for remaining absent unauthorisedly from duties w.e.f. 30.6.2004 to 2.2.2005.

A writ petition filed by the petitioner earlier bearing No.3961/2006 for the same prayer was rejected by this Court by an order dated 1.8.2006 as in that writ petition it was not disclosed by the petitioner that whether the inquiry officer has been appointed against him or not. As a matter of fact in writ petition No.3961/2006 the case of the petitioner was that a charge sheet has been served upon him and he has given explanation to that, therefore, the Court dismissed the said writ petition being premature with an assumption that no decision was taken to initiate regular inquiry.

In the instant petition for writ it is stated that the inquiry officer was appointed by the disciplinary authority much back on 21.12.2005 and inquiry is in progress. The petitioner has also placed on record the proceedings of the inquiry as Anx.16 from perusal whereof it is apparent that the prosecution evidence has already been completed and now it is for the petitioner to produce evidence in defence.

I do not find any just and valid reason to interfere with the inquiry at this stage. If the petitioner was having any grievance with the inquiry he should have approached the Court immediately after appointment of the inquiry officer. It is not open for the petitioner to challenge the inquiry proceedings after participating in it for quite a long extent. Ample opportunity is available to the petitioner before the inquiry officer to defend himself and even to prove that the charges alleged are misconceived.

Accordingly, this petition for writ is having no merit, the same, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.